

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JON REINER, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

vs.

TELADOC HEALTH, INC., et al.,

Defendants.

Case No.: 1:18-cv-11603 GHW-BCM

**JOINT STIPULATION REGARDING  
REPORT AND RECOMMENDATION  
ON DEFENDANTS' MOTION TO  
DISMISS PLAINTIFFS' THIRD  
AMENDED COMPLAINT**

Lead Plaintiffs Wayne Arcuri, Badruddin Salimbhai, and David Williams (collectively "Plaintiffs") and Defendants Teladoc Health, Inc., Jason Gorevic, and Mark Hirschhorn (collectively "Defendants"), by and through their respective attorneys, jointly state and move as follows:

WHEREAS, on September 8, 2021, Magistrate Judge Barbara C. Moses issued a Report and Recommendation ("R&R") recommending that the district court should grant Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint in this action with prejudice; and

WHEREAS, based upon their evaluation of the R&R, the applicable law, and the relevant facts, counsel for Plaintiffs have elected not to file an objection to the R&R or to appeal any subsequent judgment entered by the district court.

**THEREFORE, IT IS HEREBY STIPULATED**, by and between the undersigned parties, that:

1. Final judgment shall be entered with prejudice against Plaintiffs in this action and in favor of Defendants pursuant to Federal Rules of Civil Procedure 58 and 79;
2. Each of the Parties, and his or its attorneys of record, stipulate not to contest that the other Parties and their attorneys of record complied with the requirements of Rule 11 of the Federal Rules of Civil Procedure and all other applicable rules and laws at all times in this action;
3. Plaintiffs hereby agree to waive all rights to object to the R&R and to appeal any subsequent order and/or judgment entered against Plaintiffs in this action; and
4. Each of the Parties shall bear his or its own attorneys' fees and costs incurred in connection with this action.

Dated: September 28, 2021

GLANCY PRONGAY & MURRAY LLP

By: Ex Kano S. Sams II / PJD  
Ex Kano S. Sams II (admitted pro hac vice)  
1925 Century Park East, Suite 2100  
Los Angeles, California 90067  
Telephone: (310) 201-9150  
Fax: (310) 201-9160  
esams@glancylaw.com

THE ROSEN LAW FIRM, P.A.  
Phillip Kim  
Laurence M. Rosen  
275 Madison Avenue, 34th Floor  
New York, New York 10016  
Telephone: (212) 686-1060  
Fax: (212) 202-3827  
pkim@rosenlegal.com  
lrosen@rosenlegal.com

Leah Heifetz-Li  
101 Greenwood Avenue, Suite 440  
Jenkintown, Pennsylvania 19046  
Telephone: (215) 600-2817  
Fax: (212) 202-3827  
lheifetz@rosenlegal.com

POMERANTZ LLP  
Jeremy A. Lieberman  
Cara David  
600 Third Avenue, 20th Floor  
New York, New York 10016  
Telephone: (212) 661-1100  
Facsimile: (212) 661-8665  
jalieberman@pomlaw.com  
cdavid@pomlaw.com

Patrick V. Dahlstrom  
10 South La Salle Street, Suite 3505  
Chicago, Illinois 60603  
Telephone: (312) 377-1181  
Facsimile: (312) 377-1184  
pdahlstrom@pomlaw.com

*Attorneys for Lead Plaintiffs Wayne Arcuri,  
Badraddin Salimbhai, and David Williams*



Dated: September 28, 2021

PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON LLP

By: Audra Soloway /LO

Daniel J. Kramer

Audra J. Soloway

Caitlin E. Grusauskas

1285 Avenue of the Americas

New York, NY 10019-6064

Telephone: (212) 373-3000

Fax: (212) 757-3990

dkramer@paulweiss.com

asoloway@paulweiss.com

cgrusauskas@paulweiss.com

*Attorneys for Teladoc Health, Inc., Jason  
Gorevic, and Mark Hirschhorn*

SO ORDERED.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Hon. Gregory H. Woods

**PROOF OF SERVICE**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On September 28, 2021, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 28, 2021, at New York, New York.

*s/ Ex Kano S. Sams II*  
Ex Kano S. Sams II